

EX

Notice of Allowability	Application No.	Applicant(s)	
	10/732,873	MATTHEWS ET AL.	
	Examiner	Art Unit	
	Jason M. Han	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1. ☒ This communication is responsive to 28 November 2006.
- 2. ☒ The allowed claim(s) is/are 1-4, 6-10, 14, 15 and 17-19.
- 3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 - 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

- 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 - 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- 6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-4, 6-10, 14-15, and 17-19 are allowed.
2. The following is an examiner's statement of reasons for allowance:
 - a. With regards to Independent Claim 1, the Applicant has sufficiently amended and claimed the switch to include a plurality of different electrical states in addition to an off state, whereby the closest prior art to Chapman (U.S. Publication 2004/0190286) fails to teach or suggest the combination of structural limitations claimed therein, specifically to the dimmer switch [Figures 21, 36: (382)] having an off state, and all subsequent dependent claims would be allowable.
 - b. With regards to Independent Claim 8, the Applicant has sufficiently claimed and defined a flashlight including a switch electrically connected to a controller, whereby the switch is operable within a range of conditions, in addition to an off state, such that it transmits an electrical state corresponding to a condition to the controller, wherein the electrical state is based on a degree of externally applied force, and the switch is biased to the off state. The prior art of record fails to teach or suggest the combination of structural elements claimed herein, specifically the switch transmitting an electrical state based on a degree of externally applied force to the controller and wherein the switch is biased to an off state, and all subsequent dependent claims are allowed.

c. With regards to Independent Claim 14, the Applicant has sufficiently claimed and defined a flashlight including a lamp, a switch, a power storage element, a dimmer facility, and an electronic controller. The prior art fails to teach or suggest the combination of structural limitations claimed therein, specifically to the controller being operable to provide illumination of the lamp at the dimmed output level in response to an application of a first degree of force on the switch, only during the duration of application of such force, and the controller being operable to provide illumination of the lamp at the maximum output level in response to application of a greater second degree of force on the switch, only during the duration of application of such force. All subsequent dependent claims are allowed.

d. With regards to Independent Claim 17, the Applicant has sufficiently claimed and defined a method of operating a flashlight including a light source with variable light output up to a maximum output level, a first control operable to establish an intermediate dimmed level, and a separate switch operable through a range of conditions ranging between a released position and a fully actuated position. The prior art fails to teach or suggest the combination of structural limitations claimed therein, specifically:

- i. Operating the first control to establish a dimmed level at an output less than the maximum level;
- ii. In response to actuating a switch to an intermediate condition between the released position and the fully actuated position by

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maintaining a first degree of force, illuminating the light source at the dimmed level;

iii. In response to actuating the switch to the fully actuated condition by maintaining a second degree of force greater than the first degree of force, illuminating the light source at the maximum level; and

iv. In response to cessation of force ceasing the illumination of the light source.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason M Han
Examiner
Art Unit 2875

JMH (12/15/2006)



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800